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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,416	03/01/2004	Michael Hormann	298-236	5395
28249	7590	11/02/2005		
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553				
			EXAMINER PRESTON, ERIK D	
			ART UNIT 2834	PAPER NUMBER

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.D

**Office Action Summary**

Application No.

10/791,416

Applicant(s)

HORMANN, MICHAEL

Examiner

Erik D. Preston

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al (US 5936842 previously presented) in view of Buchele (GB 2069767 previously presented).

With respect to claim 1, Kaiser teaches a door drive housing, comprising: comprising: A shell-shaped basic carrying body (Fig. 1, #12) structured and arranged to have different drive components (Fig. 2, #16,18,22,24 & 26) secured thereto (as seen in Figure 1), a cover hood (Fig. 1, #14) structured and arranged to be connected to the basic carrying body, but it does not teach a housing extension structured and arranged to be connected in an exact fit and detachable manner to the basic body on front rear and lateral sides thereof and accommodate additional and/or larger drive components. However, Buchele teaches a housing extension (as seen in Fig. 1) structured and arranged to be connected in an exact fit and detachable manner to a basic body (Fig. 1, #1) on front rear and lateral sides thereof and accommodate additional and/or larger components (as seen in Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Kaiser in view of the teaching of an extendable housing as taught by Buchele because it provides a modular

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housing for electrical components that can be assembled in any desired size (Buchele, Abstract).

With respect to claim 2, Kaiser in view of Buchele teaches the housing of claim 1, and Buchele teaches that the housing extension comprises a carrying body extension (Fig. 1, #1) structured and arranged to be connected in a releasable manner to the basic carrying body, and a cover body (Fig. 1, #5) structured and arranged to be connected at least to the carrying body extension.

With respect to claims 3 & 4, Kaiser in view of Buchele teaches the housing of claim 2, and Buchele teaches that the cover hood of the housing extension extends over both the basic carrying body as well as over the carrying body extension connected to this and delimits a common interior (as seen in Fig. 1), and that the cover hood of the housing extension either connects in an exact fit to the cover hood located on the basic carrying body, or only covers the carrying body extension connected to the basic carrying body (Page 1, Lines 16-35).

With respect to claims 5 & 13-15, Kaiser in view of Buchele teaches the housing of claims 1-4, and Buchele teaches that a carrying body extension comprises a connection contour (as seen in Fig. 9) structured and arranged to be connected seamlessly to an outer contour of the basic carrying body, and with the basic carrying body together forms an extended carrying shell.

With respect to claim 6, Kaiser in view of Buchele teaches the housing of claim 1, and Buchele teaches that a carrying body extension forms a ring (or any other desired

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shape), which can be located with its interior contour at the outer contour of the basic carrying body.

With respect to claim 7, Kaiser in view of Buchele teaches the housing of claim 1, and Buchele teaches that a carrying body extension comprises positive-fit connection means to be secured to the basic carrying body.

With respect to claim 8, Kaiser in view of Buchele teaches the housing of claim 1, and Buchele teaches a carrying body extension that consists of several parts which can be connected in a releasable manner to one another and the basic carrying body.

With respect to claim 9, Kaiser in view of Buchele teaches the housing of claim 1, and Buchele teaches parts having first and second positive-fit connection means for positive-fit connection to one another and second positive-fit connection means for positive-fit securing to the basic carrying body (as seen in Fig. 9).

With respect to claim 10, Kaiser in view of Buchele teaches the housing of claim 1, and Buchele teaches that a carrying body extension comprises a securing flange on its inner contour, engaging over the edge of the basic carrying body.

With respect to claim 11, Kaiser in view of Buchele teaches the housing of claim 1, and Kaiser teaches that the basic carrying body comprises first accommodation means (Fig 2, #46) for a drive motor (Fig. 1, #16), second accommodation means (Fig. 2, #114) for a drive system (Fig. 1, #18), and third accommodation means (Fig. 2, #70) for a control device (Fig. 1, #24).

With respect to claim 12, Kaiser in view of Buchele teaches the housing of claim 1, and Kaiser teaches that the carrying body has on its outside a positive-fit connection

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means (Fig. 1, #112) for connecting to a slide element rail (Fig. 1, #28) mounted on which in an axially movable manner is a door drive slide element (which is not explicitly disclosed in the text, but inherently exists in all door opening drives) which can be driven by a drive chain that is engaged by a chain pinion (Fig. 1, #20).

With respect to claims 16 & 18, Kaiser in view of Buchele teaches the housing of claims 4 & 15, and Buchele teaches parts having first positive-fit connection means for positive fit connection to one another, and including locking engagement tongues and complimentary locking arrangement recesses for locking engagement recesses for locking engagement with one another and second positive-fit connection means for positive-fit securing to the basic carrying body.

With respect to claims 17, 19 & 20, Kaiser in view of Buchele teaches the housing of claims 4, 6 & 16, and Kaiser teaches that the basic carrying body comprises first accommodation means (Fig. 2, #46) for a drive motor (Fig. 1, #16), second accommodation means (Fig. 2, #114) for a drive system (Fig. 1, #18), and third accommodation means (Fig. 2, #70) for a control device (Fig. 1, #24), the first, second, and third accommodation means including elevated securing flanges (best seen in Fig. 1), onto which the individual drive components can be placed in an exact fit.

With respect to claim 21, Kaiser in view of Buchele teaches the housing of claim 5, and Buchele teaches that said shell comprises a circumferential edge web structured and arranged to receive the cover hood of the housing extension (as seen in Figs. 1 & 2).

With respect to claim 22, Kaiser in view of Buchele teaches the housing of claim 9, and Buchele teaches that the first positive-fit connection means comprises locking engagement tongues and complimentary locking engagement recesses for locking engagement with one another (as seen in Fig. 9).

With respect to claim 23, Kaiser in view of Buchele teaches the housing of claim 10, and Buchele teaches that said securing flange is bent at a right angle (as seen in Fig. 9).

With respect to claim 24, Kaiser in view of Buchele teaches the housing of claim 11, and Kaiser teaches that said first, second, and third accommodation means comprise elevated securing flanges structured and arranged to receive individual drive components in an exact fit.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is 571-272-8393. The examiner can normally be reached on Monday through Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
10/27/2005

  
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